

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SEVENTH REGION**

CRS POURED CONCRETE WALLS, INC.

Employer/Petitioner and

**LOCAL 1076, LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA**

Case 7-RM-1480

Local 1076

and

**LOCAL 334, LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA¹**

Local 334

APPEARANCES:

Matt W. Ziegler, Attorney, of Troy, Michigan for the Employer/Petitioner

ORDER REMANDING

Upon a petition filed under Section 9(c) of the National Labor Relations Act, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

¹ The names of Local 1076 and Local 334 appear as set forth in other cases filed with the Region.

Upon the entire record in this proceeding², the undersigned finds:

1. The hearing officer's rulings are free from prejudicial error and are hereby affirmed.
2. The Employer/Petitioner, hereafter Employer, is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction.
3. The labor organizations involved claim to represent certain employees of the Employer.

The Employer is engaged in the building and construction industry as a residential contractor that pours concrete foundations and walls. In February 2002, it entered into a Section 8(f) relationship with Locals 1076 and 334 and State of Michigan Laborers' District Council (District Council) by signing an addendum to the collective bargaining agreement between those three labor organizations and the Poured Concrete Wall Association. The Employer is not a member of the Association. By its petition, the Employer seeks an election to determine whether the three unions should continue to represent its laborer employees.³

The District Council is a party to the collective bargaining relationship and contract with the Employer. It was never served with the petition or the notice of hearing in this case. Once its involvement in the collective bargaining relationship and contract was ascertained, further processing of the petition should not have taken place until it was served with the appropriate documents and provided with an opportunity to participate in the hearing.

Accordingly, this case is remanded to allow for the proper service of documents upon the District Council. Thereafter, if a hearing is necessary, another notice of hearing shall issue and the case is remanded to the hearing

² The Employer/Petitioner filed a brief, which was carefully considered. With its brief, the Employer/Petitioner attached as an exhibit the 2000-2003 collective bargaining agreement between Laborer' Locals 334 and 1076 and State of Michigan Laborers' District Council and Poured Concrete Wall Association, Inc., and Other Employers. That agreement, while mentioned in the record, is not part of the record and was not considered. Neither Local 1076 nor Local 334 appeared at the hearing. Both were served with a copy of the petition and a copy of the notice of hearing. ³ The petition listed only Local 1076. However, the contract is clearly with all three labor unions.

officer to take additional testimony. Included with that testimony should be the introduction of the 2000-2003 collective bargaining agreement between the three unions and the Association.

Dated at Detroit, Michigan, this 28th day of June 2006.

(SEAL)

"/s/[Stephen M. Glasser]."

/s/ Stephen M. Glasser -----

Stephen M. Glasser, Regional Director
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